



## INTERIOR BOARD OF INDIAN APPEALS

S.E. Investments v. Billings Area Director, Bureau of Indian Affairs

34 IBIA 243 (02/10/2000)

Related Board case:  
33 IBIA 21



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

S.E. INVESTMENTS,  
Appellant

v.

BILLINGS AREA DIRECTOR,  
BUREAU OF INDIAN AFFAIRS,  
Appellee

: Order Affirming Decision  
:  
:  
:  
: Docket No. IBIA 99-88-A  
:  
:  
: February 10, 2000

This is an appeal from a June 22, 1999, decision of the Billings Area Director, Bureau of Indian Affairs, affirming the award of leases of Crow Allotments 1956 and 1959 to Dan Schwend. The leases have five-year terms, beginning November 1, 1995, and ending October 31, 2000.

This is the second appeal filed by Appellant in this dispute. The Area Director's initial decision was issued on March 25, 1998. Appellant appealed that decision to the Board. On September 18, 1998, at the Area Director's request and in the absence of any objections from other parties, the Board vacated the Area Director's March 25, 1998, decision and remanded the case to him for reconsideration. 33 IBIA 21 (1998).

The Area Director issued a new decision on June 22, 1999, reaching the same conclusion he had reached in his earlier decision. Appellant again appealed to the Board. Appellant's notice of appeal, filed by its attorney, stated only: "On behalf of [Appellant], I am hereby filing this notice of appeal from an adverse decision rendered by [the Area Director on] June 22, 1999. I received this decision on June 23, 1999. I trust that you will notify me in a timely fashion of the briefing schedule."

The appeal was docketed on September 27, 1999. Appellant was advised of its briefing privileges and informed that it bore the burden of proving error in the Area Director's decision. Appellant did not file a brief.

An appellant which fails to make any arguments on appeal has not carried its burden of proof. OK Tank Trucks, Inc. v. Muskogee Area Director, 33 IBIA 119 (1999). Appellant has failed to carry its burden of proof in this case.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Area Director's June 22, 1999, decision is affirmed.

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//original signed

Anita Vogt  
Administrative Judge

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//original signed

Kathryn A. Lynn  
Chief Administrative Judge